

CONTAINS CONFIDENTIAL BUSINESS INFORMATION

February 28, 2018

VIA EMAIL

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Re: Agency Follow-up Questions to Kohler Co. from January 25, 2018
Meeting

Dear Ryan, Jocelyn, Evan, Patti and Shannon,

Thank you for your response to our list of the questions that the agencies posed at our meeting in DC on January 25, 2018. A revised list of the questions based on your input is attached, with items numbered for ease of reference.

On February 14, we provided you with the privilege log (Question No. 9). We are able to address Questions 5 (for Delphi EFI), 6, 7 8b[iii], and 12 below at this time. As

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discussed on the telephone, we are confirming our understanding of Questions 3 and 4, and we are working to determine a schedule to respond to the remaining Questions 1, 2, 4[b], 5 (for Bosch EFI), 8 (remainder), 10, 11, and 13 and expect to provide that schedule to you shortly.

Answers to Questions

(b) (4)

Question No. 6: This question asks, “Did Kohler (b) (4) as a result of presentation in slide 72?” The presentation at slide 72 is dated December 14, 2009. Kohler’s sales of EFI engines (b) (4)

(b) (4)

(b) (4)

Question No. 8b: On December 19, 2017, the Company responded to ARB’s August 7, 2017 request for information with a list of (b) (4)

Regarding those (b) (4) Question 8b asks the Company to (b) (4)

(b) (4)

(b) (4)

(b) (4) the Company is currently preparing a response and we will propose a schedule after consultation with the team. Currently, the

(b) (4)

Please see (b) (4)

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(b) (4)

Question No. 12: This question asks the Company “[w]hen was the (b) (4) (b) (4) referenced during the meeting (slides 76-83) first introduced into commerce?”

(b) (4)

Requests to Clarify/Confirm Questions

Question No. 3: This question asks, “[f]or each Delphi EFI family or model, identify [a] the first instance the Subject Calibration was introduced into that engine family or model, [b] the date the Subject Calibration was approved and released for production into that engine family or model, and [c] the date the engine family or model was first introduced into commerce.” As we discussed, we understand that [a] asks about the first instance that features of the Subject Calibration at the 3060 certification test point (as discussed in slides 50, 51 and 95 in the January 25, 2018 presentation) were introduced into the engine family or model. We understand that we may provide you with a range of dates.

Question No. 4: This question asks the Company to “[p]rovide [a] names, titles, and roles, and employment timeframes for all individuals mentioned in the key documents, as well as [b] any other individuals involved in development, production, marketing, or sale of the EFI engines in the (b) (4) timeframe.”

In the key documents binder that we have provided to you, there are (b) (4) unique names of Kohler employees. (b) (4) (b) (4)

We intend to provide to the agencies information that Kohler has available for these individuals, including names, titles and employment timeframes. The remainder of this request is vague and difficult for the Company to address. As we discussed, we understand that we will submit the information available from Kohler for the individuals in the key documents. We will then respond to any more specific information you may be seeking as to particular individuals.

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Please note that this submission contains contain confidential business information under 40 C.F.R. §2.203(b) and parallel California law and regulations, and each page is so labeled.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Martel', with a long horizontal flourish extending to the right.

Jonathan S. Martel

Attachments

cc: Brett Marston
(b) (4)